

MONDAY, MARCH 22, 1999

Civil STATE FARM FIRE & CASUALTY CO.
No. v.
C028694 GARY P. PIETAK

BY THE COURT:

Respondent's petition for rehearing is granted. The decision filed on
February 22, 1999, is vacated.

DAVIS, Acting P.J.

MONDAY, MARCH 22, 1999 CONTINUED

At 9:30 a.m., the court met in the Library & Courts Building to begin its court Calendar session.

PRESENT: SIMS, Acting Presiding Justice
 MORRISON, Associate Justice
 HULL, Associate Justice

Bailiff: Conrad.
Calendar called.

Civil In re the Marriage of STEVEN and ANGELA RUSSELL
No. STEVEN L. RUSSELL
C028584 v.
 ANGELA RUSSELL

Cause called. Kim M. Robinson argued for Appellant. Francis L. Adams argued for Respondent. Consolidated with C028951. Cause submitted.

Civil In re the Marriage of STEVEN and ANGELA RUSSELL
No. STEVEN L. RUSSELL
C028951 V.
 ANGEL RUSSELL

Cause called. Kim M. Robinson argued for Appellant. Francis L. Adams argued for Respondent. Consolidated with C028584. Cause submitted.

At 9:44 a.m., court recessed. At 9:49 a.m., court reconvened with Acting Presiding Justice Nicholson, Associate Justice Raye and Associate Justice Hull.

Civil KEVIN ZORROZUA
No. v
C029499 PAUL GIULANI et al.

Cause called. Randy E. Thomas argued for Plaintiff-Appellant. James R. Donahue, of Caulfield, Davies & Donahue argued for Defendants-Respondents. Cause submitted.

Court recessed at 10:16 a.m., until Tuesday, March 23, 1999.

MONDAY, MARCH 22, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. v.
C029270 QUYEN LE

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

MARCH 23, 1999

Crim. THE PEOPLE
No. v.
C025145 DON CORNELIOUS LIVINGSTON
BY THE COURT:

Appellant's petition for rehearing is denied.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: NICHOLSON, Acting Presiding Justice
MORRISON, Associate Justice
HULL, Associate Justice

Bailiff: Conrad.
Calendar called.

Civil In re the Marriage of J. CLINTON and MERRIE HUDSON
No. J. CLINTON HUDSON
C026801 v.
MERRIE HUDSON

Cause called. Merrie Hudson argued for Herself in Pro Per as Appellant. Shelli Lynndell argued for Respondent. Cause submitted. Consolidated with C027421.

TUESDAY, MARCH 23, 1999 CONTINUED

Civil In re the Marriage of J. CLINTON and MERRIE HUDSON
No. J. CLINTON HUDSON
C027421 v.

MERRI HUDSON

Cause called. Merrie Hudson argued for Herself in Pro Per as Appellant. Shelli Lynndell argued for Respondent. Cause submitted. Consolidated with C026801.

At 9:43 a.m., court recessed. At 9:45 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Morrison.

Crim. THE PEOPLE
No. v.
C026509 XAI VANG

Cause called. Mark Greenberg, court appointed counsel argued for Defendant and Appellant. Mark A. Johnson, Deputy Attorney General argued for Plaintiff and Respondent. Cause submitted.

At 10:10 a.m., court recessed. At 10:13 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Hull.

Civil CHARLES FEINGOLD
No. v.
C027945 A. M. NICHOLS

Cause called. Michael R. Barrette argued for Defendant and Appellant. Stanley A. Feingold, of Feingold and Youngling argued for Plaintiff and Respondent. Cause submitted.

At 10:43 a.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Hull.

TUESDAY, MARCH 23, 1999 CONTINUED

Civil RALPH M. FURR
No. v.
C028782 ANITA I. CASTRO et al.

Cause called. Ralph M. Furr, argued for Himself in Pro Per for Plaintiff-Appellant. John Duncan Hames, of Leland, Schultz & Morrissey argued for Defendants-Respondents. Cause submitted.

Court recessed, at 2:18 p.m., until 9:30 a.m., Wednesday, March 23, 1999

Civil DONALD R. KARR
No. v.
C029198 CONTRACTORS LICENSE BOARD
BY THE COURT:

Respondent's request to publish the opinion filed on March 1, 1999, is denied.

Dated: March 23, 1999

DAVIS, Acting P.J.

Crim. THE PEOPLE, (Not for Publication)
No. v.
C025736 RUDOLPH RAYMOND SIMENTAL, JR.

The judgment is affirmed.

DAVIS, J.

We concur: SCOTLAND, P.J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029444 RODOLFO BENITEZ VELAZQUEZ

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 HULL, J.

TUESDAY, MARCH 23, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029427 PHILLIP EDWARD TRACY
 The judgment is affirmed.
 BLEASE, Acting P.J.
 We concur: RAYE, J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029559 ALFRED B. TRIBBEY
 The judgment is affirmed.
 RAYE, J.
 We concur: BLEASE, Acting P.J.
 HULL, J.

Juvenile In re LOR L., a Person Coming Under the Juvenile Court Law.
 No. THE PEOPLE (Not for Publication)
 C029720 v.
 LOR L.
 The judgment is affirmed.
 MORRISON, J.
 We concur: SCOTLAND, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)No. v.
 No. v.
 C028396 KENNETH RAY BAKER

The orders of July 26, 1996, and December 23, 1997, revoking defendant's probation, and the judgment imposed on December 23, 1997, are reversed.

MORRISON, J.
 We concur: SCOTLAND, Acting P.J.
 DAVIS, J.

TUESDAY, MARCH 23, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026840 LARRY CARL HUGHES

The judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029366 KENNETH WILLIAM ROMERO et al.

The judgment (order of dismissal) is reversed. The cause is remanded for further proceedings consistent with this opinion.

RAYE, Acting P.J.

We concur: MORRISON, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030036 AUGUST EUGENE GONZAGA

The restriction fine is stricken, and in all other respects, the judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
 DAVIS, J.

WEDNESDAY, MARCH 24, 1999

Crim. THE PEOPLE
 No. v.
 C024354 KELLY HAROLD WILSON
 BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: March 24, 1999

NICHOLSON, Acting P.J.

WEDNESDAY, MARCH 24, 1999 CONTINUED

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of it's court calendar session.

PRESENT: SCOTLAND, Presiding Justice
 BLEASE, Associate Justice
 KOLKEY, Associate Justice

Bailiff: Rios.
Calendar called.

Civil APFC, INC.
No. v.
C029281 JOHN CROW et al

Cause called. Mark B. Robinson, of Greenberg & Michelman argued for Plaintiff-Appellant. Douglas A. Haydel, of Steinheimer, Riggio, Haydel & Mordaunt argued for Defendants-Respondents with additional citations. Pamela Birdsley Faulkner et al. Stuart L. Olster argued for Defendant-Respondent John Crow et al. Cause submitted.

Civil WILLIAM SCHMITT et al.
No. v.
C028478 TRI COUNTIES BANK

Cause called. John Dunlap argued for Defendant-Appellant. Robert M. Harding, of Carr, Kennedy, Peterson & Frost argued for Plaintiffs-Respondents. Bruce L. Belton appeared for Defendant-Appellant but did not argue. Cause submitted.

At 10:19 a.m., court recessed. At 10:21 court reconvened with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Callahan.

Civil RAUL S. ALCALA et al.
No. v.
C028994 CALIFORNIA YOUTH AUTHORITY et al.

Cause called. Antonia D. Radillo, Deputy Attorney General argued for Defendants-Appellants. John R. Duree, Jr. argued for Plaintiffs-Respondents with additional citations. Victor S. Haltom appeared for Plaintiff-Respondents but did not argue. Cause submitted.

WEDNESDAY, MARCH 24, 1999 CONTINUED

At 11:03 a.m., court recessed. At 11:05 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Hull.

Civil

ALEX GOMEZ

No.

v.

C028337

DEPARTMENT OF PERSONNEL ADMINISTRATION
DEPARTMENT OF GENERAL SERVICES

Cause called. Nalda L. Keller, Labor Relations Counsel argued for Real party in interest-Appellant. Paul M. Starkey, Labor Relations Counsel appeared for Real party in interest but did not argue. Raymond A. Mills argued for Plaintiff-Respondent. Cause submitted.

At 11:36 a.m., court recessed. At 11:39 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Callahan, and Associate Justice Hull.

WEDNESDAY, MARCH 24 1999 CONTINUED

Crim. THE PEOPLE

No. v.

C026333 HARRY AROSTIGUI SINGH

Cause called. George Schraer, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved.

At 11:52 a.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Raye.

Civil RESIDENTS FOR FAIR PLANNING et al.

No. v.

C029643 COUNTY OF EL DORADO
PONDEROSA 50 PARTNERS

Cause called. Susan Brandt-Hawley, of Brandt-Hawley & Zoia argued for Plaintiff-Appellants. Stuart L. Smits argued for Real party in interest -Respondent. Ian W. Craig, of Stuart L. Smits & Associates appeared for Real party in interest-Respondent but did not argued. Cause submitted.

At 2:34 p.m., court recessed. At 2:36 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Kolkey.

Civil CALIFORNIA CORRECTION PEACE OFFICERS' ASSOCIATION

No. v.

C029712 DEPARTMENT OF CORRECTIONS

Cause called. Joel Levinson, Supervising legal counsel argued for Plaintiff-Appellant. Marguerite D. Shea, Assistant Chief Counsel argued for Defendant-Respondent. Cause submitted.

At 3:01 p.m., court recessed. At 3:02 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Davis.

WEDNESDAY, MARCH 24, 1999 CONTINUED

Civil THE PEOPLE
No. v.
C028625 KAREEM RASHAD SIMS

Cause called. Cara DeVito, Berley & DeVito argued for Defendant Appellant. Harry Joseph Colombo, Supervising Deputy Attorney General argued for Plaintiff and Respondent. Cause submitted.

At 3:25 p.m., court recessed. At 3:26 p.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Blease.

Civil SHARON K. BACON et al.
No. v.
C025272 UNEMPLOYMENT INSURANCE APPEALS BOARD et al.
HOME HEALTH CARE MANAGEMENT

Cause called. Sharon Bacon argued for Herself in Pro Per as Plaintiff-Appellant. Richard Norlund argued for Himself in Pro Per as Plaintiff-Appellant. Frank S. Furtek, Supervising Deputy Attorney General argued for Defendants-Respondents. No appearance for Real party in interest -Respondent. Cause submitted.

At 3:40 p.m. court recessed. At 3:44 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Callahan.

Civil DOROTHY HEISE
No. v.
C029096 COUNTY OF ALPINE et al.

Cause called. Timothy W. Pemberton argued for Plaintiff-Appellant. Jeffrey K. Rahbeck argued for Defendants-Respondents. Cause submitted.

Court recessed at 3:52 p.m., until 9:30 a.m., Friday, March 26, 1999.

WEDNESDAY, MARCH 24, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030720 NORBERTA RIOS BAILON

The judgment is modified to reflect defendant has been fined in the sum of \$200 pursuant to Penal Code section 1202.45. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward it to the Department of Corrections. As modified, the judgment is affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029380 ROBERT BRIAN SHELBY

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030280 TIMOTHY ALAN KIRBY

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029119 RUBEN GUAJARDO

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.
 RAYE, J.

WEDNESDAY, MARCH 24, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030526 SHERI MICHELLE FOSTER
 The judgment is affirmed.
 SIMS, Acting P.J.
 We concur: RAYE, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C027870 CHRISTOPHER LOFTIN
 The judgment is affirmed.
 SIMS, Acting P.J.
 We concur: DAVIS, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028955 CARLOS BLANCO
 The judgment is affirmed except for the conviction of perjury, which is reversed. The perjury count is remanded to the trial court for retrial.
 SIMS, Acting P.J.
 We concur: DAVIS, J.
 RAYE, J.

Crim. THE PEOPLE (Certified for Partial for Publication)
 No. v.
 C027096 NATHANIEL MAURICE POPLAR
 The judgment is affirmed. (CERTIFIED FOR PARTIAL PUBLICATION.)
 CALLAHAN, J.
 We concur: DAVIS, Acting P.J.
 MORRISON, J.

THURSDAY, MARCH 25, 1999

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026804 STEVEN SEBASTIAN MCCURRY

THE COURT:

It is ordered that the opinion filed herein on February 26, 1999, be modified in the following particulars:

...

We agree the instruction was required.

Defendant's petition for rehearing is denied.

FOR THE COURT:

BLEASE, Acting P.J.

DAVIS, J.

CALLAHAN, J.

Crim. THE PEOPLE
 No. v.
 C026805 ROBERT LEE LOPEZ

BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: March 25, 1999

BLEASE, Acting P.J.

Civil KEVIN ZORROZUA (Not for Publication)
 No. v.
 C029499 PAUL GIURLANI et al

The judgment is affirmed.

HULL, J.

We concur: NICHOLSON, Acting P.J.
 RAYE, J.

Civil JEFFREY H. OCHRACH (Not for Publication)
 No. v.
 C029568 CONSOLIDATED SIERRA GOLD MINES, INC.

The award of costs is modified to delete photocopying charges of \$3,000. As so modified, the order is affirmed. Defendant shall recover its own costs on appeal.

HULL, J.

We concur: SCOTLAND, P.J.
 RAYE, J.

THURSDAY, MARCH 25, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C028689 JOSE BUENO GARZA

The judgment is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
 CALLAHAN, J.

FRIDAY, MARCH 26, 1999

Civil KAREN KEATING JAHF, as County Counsel, etc.
 No. v. (Certified for Publication)
 C028749 GEORGE CASEBEER et al
 THE COURT:

It is ordered that the opinion filed herein on February 25, 1999, be modified in the following particulars:

...

The opinion in the above entitled matter filed February 25, 1999, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is ordered.

There is no change in the judgment.

CERTIFIED FOR PUBLICATION)

FOR THE COURT:

DAVIS, Acting Presiding Justice
 NICHOLSON, J.
 CALLAHAN, J.

FRIDAY, MARCH 26, 1999 CONTINUED

Civil DELTA PACIFIC BUILDERS, INC.
No. v.
C031055 GIFFORD CONSTRUCTION, INC. et al.

BY THE COURT:

The appeals and cross appeals in C031055 are dismissed on the court's own motion. This dismissal is on grounds other than those relied upon by the appellant Gifford Construction, Inc.'s motion to dismiss the cross-appeal/appeal of respondents Delta Pacific Builders, Inc. and Master Builders, Inc. and that motion is therefore dismissed as moot. Rather, the appeals and cross-appeals are dismissed on the ground that they are premature, no final judgment having been entered. The superior court, in its order granting partial judgment notwithstanding the verdict, instructed the parties to prepare a modified final judgment for signature and filing. No such final judgment has been entered, and the order granting partial judgment notwithstanding the verdict is not an appealable judgment. (Cobb v. University of So. California (1995) 32 Cal. App. 4th 798, 804; Code Civ. Proc. subsection 904.1.)

Dated: March 26, 1999

SIMS, Acting P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SCOTLAND, Presiding Justice
NICHOLSON, Associate Justice
RAYE, Associate Justice

Bailiff: Rios.
Calendar called.

Civil OKSANA SHEREMETJEVA
No. v.
C029637 WEST AMERICAN INSURANCE COMPANY (NON-SERVED)

Cause called. Oksana Sheremetjeva argued for Himself in Pro Per as Plaintiff-Appellant. Cause submitted.

At 9:30 a.m., court recessed. At 9:57 a.m., court reconvened with the same panel except Associate Justice Sims in place of Associate Justice Nicholson, and Associate Justice Davis in place of Associate Justice Raye.

FRIDAY, MARCH 26, 1999 CONTINUED

Crim. THE PEOPLE

No. v.

C027724 THOMAS ALBERT RODRIGUEZ

Cause called. Janice Lagerlof, court appointed counsel argued for Defendant-Appellant. Kelly E. LeBal, Deputy Attorney General argued for Plaintiff-respondent. Cause submitted.

At 10:31 a.m., court recessed. At 10:33 a.m., court reconvened with the same panel except Associate Justice Callahan in place of Associate Justice Davis.

Crim. THE PEOPLE

No. v.

C029025 MARTIN ANTHONY RESENDEZ

Cause called. Colin J. Heran, of Central California Appellate Program, Inc. argued for Defendant-Appellant. Alan Ashby, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

10:50 a.m., court recessed. At 10:55 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson, and Associate Justice Callahan.

Civil MICHAEL M. FUSON

No. v.

C029753 DEPARTMENT OF MOTOR VEHICLES

Cause called. Jeanne Wolfe, Deputy Attorney General argued for Defendant-Appellant. Jeffrey D. Seaton argued for Plaintiff-Respondent. Cause submitted. Cause submitted.

At 11:40 a.m., court recessed. At 11:41 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Morrison.

Crim. THE PEOPLE

No. v.

C026304 RUBEN MURILLO

Cause called. Candace Hale, court appointed counsel argued for Defendant-Appellant. Tiffany S. Shultz, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

FRIDAY, MARCH 26, 1999 CONTINUED

At 11:52 a.m., court recessed. At 2:02 p.m., court reconvened with Presiding Justice Scotland, Associated Justice Sims, and Associate Justice Callahan.

Civil A. O. REED & COMPANY, INC.. et al.
No. v.
C029165 STATE BOARD OF EQUALIZATION

Cause called. Lester J. Gendron argued for Plaintiff-Appellants. Robert D. Milam, Deputy attorney General argued for Defendant-Respondent. Cause submitted.

Court recessed at 2:35 p.m., until 9:30 a.m., Monday, March 29, 1999.

Civil In re the Marriage of STEVEN and ANGELA RUSSELL
No. STEVEN RUSSELL (Not for Publication)
C028584 v.
C028951 ANGELA EBOLI.

We reverse that portion of the court's judgment (order) in case No. C028584 requiring Steven to pay expert fees "as additional child support," and remand the matter to the trial court for further consideration. We reverse the judgment (order) in case No. C028951 and remand to the trial court for further proceedings in conformity with this opinion. Steven is awarded his costs on appeal in both cases.

HULL, J.

We concur: SIMS, Acting P.J.
 MORRISON, J/

Crim. THE PEOPLE (Not for Publication)
No. v.
C030728 SANDRA LEE HILTON

DAVIS, J.

We concur: BLEASE, Acting P.J.
 MORRISON, J.

FRIDAY, MARCH 26, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029611 GREGORY LEONARD SAPUTO

The judgment is affirmed.

BLEASE, acting P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

Civil RALPH M. FURR (Not for Publication)
 No. v.
 C028782 ANITA I. CASTO et al.

The judgment is affirmed. Defendants are awarded their costs on appeal.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C022199 CHRISTINA MURILLO

The conviction for petty theft with a prior and second burglary are affirmed. The findings that defendant had served prison terms for receiving stolen property and for first degree burglary and that defendant had previously been convicted of first degree burglary are reversed. The sentence is vacated and the matter is remanded to the superior court for further proceedings on the prior prison term and prior conviction allegations and for resentencing.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.

Civil In re the Marriage of J. CLINTON and MERRIE HUDSON
 No. MERRIE HUDSON (Not for publication)
 C026801 v.
 C027421 J. CLINTON HUDSON

The judgment (order denying motion to vacate and order imposing sanctions) are affirmed.

MORRISON, J.

We concur: NICHOLSON, Acting P.J.
 HULL, J.

FRIDAY, MARCH 26, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C031090 PATRICK FRANCIS LARSON

If it has not already done so, the trial court is directed to correct the abstract of judgment to reflect the change noted above and to forward a copy of the correct abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

BLEASE, Acting P.J.

We concur: DAVIS, J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030200 DAVID MONROE

The judgment is affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029121 LANCE RAMON COWLING

The judgment is affirmed.

HULL, J.

We concur: NICHOLSON, Acting P.J.
 KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C030350 TERRI T. JONES

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.
 MORRISON, J.

FRIDAY, MARCH 26, 1999 CONTINUED

Civil KIM HU (Certified for Publication)
 No. v.
 C029573 SILGAN CONTAINERS CORPORATION
 The judgment is affirmed. Silgan shall recover costs on appeal.
 (CERTIFIED FOR PUBLICATION)

RAYE J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C029162 MATTHEW JOSEPH PENNUCCI

 The judgment is modified to reduce the restitution fine imposed pursuant to former section 1202.4 to \$6,6550, and to reduce the fine imposed pursuant to section 1202. 5 to \$10. The trial court is directed to prepare a new abstract of judgment and to forward it the Department of Corrections. As modified, the judgment is affirmed.

HULL, J.

We concur: SCOTLAND, P.J.
 MORRISON, J.

Civil WILLIAM SCHMITT ET AL.
 No. v. (Certified for Publication)
 C028478 TRI COUNTIES BANK

 The judgment is affirmed. (CERTIFIED FOR PUBLICATION)

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
 DAVIS, J.